THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.21865 of 2005

Date:17.10.2005

Sri Vikas Educational Society and another.

--------PETITIONERS

The Secretary, Indian Nursing Council, Kotla Road,

Temple Lane, New Delhi and others.

---------RESPONDENTS

ORDER:

The petitioners claim to have made applications for establishing Colleges of Nursing at various places in the State, in the months of October and November 2004. They also claim to have deposited a sum of Rs.5,000/- each towards inspection fee. The grievance of the petitioners is that their applications have not been considered by the respondents so far, whereas the Director of Medical Education has appointed an Inspection Team in respect of RAS School of Nursing, Mahboobnagar, through his proceedings, dated 23.07.2005. They seek similar treatment in their cases also.

Heard the learned counsel for the petitioners, the learned counsel for respondent No.1, Sri P.A.V.Bala Prasad, and the learned Government Pleader for Medical Health and Family Welfare appearing for respondents 2 and 3

The petitioners seek the relief of declaration that the action of the respondents in not conducting inspection over the institutions proposed to be established by them in pursuance of G.O.Rt.No.448, dated 25.04.2005, is illegal, arbitrary and unjust. A perusal of G.O.Rt.No.448 discloses that the Government has decided to streamline the processing of the applications, for grant of permission to

colleges of Nursing and other paramedical institutions through High Power Committee. As many as ten Committees have been constituted for the respective areas and all of them are required to function under the chairmanship of a former Judge of this Court. The petitioners submitted their applications before issuance of G.O.Rt.No.448.

The Committees constituted under the said G.O. would formulate a scheme and programme fixing the date of submission of applications and further steps. By no stretch of imagination, the applications submitted by the petitioners can be related to the scheme under G.O.Rt.No.448. The petitioners themselves have volunteered to deposit sums of Rs.5,000/- for inspection. The question of inspection of a proposed institution would arise, if only the Government had issued a notification inviting applications for establishing colleges at various places. In the absence of such a notification, the respondents cannot be directed to cause inspection.

The petitioners rely upon a letter, dated 23.07.2005, issued by the Director of Medical Education in relation to RAS School of Nursing, Mahboobnager. It is not known as to whether the said institution was already functioning or whether it is an applicant in pursuance of any notification issued by the High Power Committee. The contents disclose that the inspection was for re-verification of the infrastructure, suggesting thereby that the institution was already in existence and that the process of re-verification was undertaken. The cases of the petitioners cannot be compared to that of the Institution referred to above.

For the foregoing reasons, the writ petition is dismissed. It is, however, left open to the petitioner to submit the requisite applications, as and when the High Power Committee issues notification in this regard. It is also made clear that in case the High Power Committee undertakes to process the pending applications, the cases of the petitioners shall also be considered on par with the other similarly situated applicants. There shall be no order as to costs.

17.10.2005

Jsu